

SA 1804. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ROLE OF THE COMMISSIONER AND INTERNATIONAL AGREEMENTS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of the United States Section of the International Boundary and Water Commission.

(3) **NEW RIVER.**—The term “New River” means the river that starts in Mexicali, Mexico, flows north into the United States through Calexico, passes through the Imperial Valley, and drains into the Salton Sea.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(5) **TIJUANA RIVER.**—The term “Tijuana River” means the river that rises in the Sierra de Juarez in Mexico, flows through the City of Tijuana and then north into the United States, passes through the Tijuana River estuary, and drains into the Pacific Ocean.

(b) **WASTEWATER AND STORMWATER AUTHORITY.**—The Commissioner may study, design, construct, operate, and maintain projects to manage, improve, and protect the quality of wastewater, stormwater runoff, and other untreated flows in the Tijuana River watershed and the New River watershed.

(c) **TIJUANA AND NEW RIVER PROJECTS WITHIN THE UNITED STATES.**—The Secretary, acting through the Commissioner, shall—

(1) construct, operate, and maintain projects that—

(A) are on a priority list developed by the Environmental Protection Agency for projects in the Tijuana River watershed or New River watershed;

(B) are within the United States; and

(C) improve the water quality of the Tijuana River watershed or the New River watershed, as applicable; and

(2) use available funds, including funds received from the Administrator, to construct, operate, and maintain the projects described in paragraph (1).

(d) **AGREEMENTS WITH MEXICO.**—The Secretary, acting through the Commissioner, may execute an agreement with the appropriate official or officials of the Government of Mexico for—

(1) the joint study and design of stormwater control and water quality projects; and

(2) on approval of the necessary plans and specifications of the projects described in paragraph (1), the construction, operation, and maintenance of those projects by the United States and Mexico, in accordance with the treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, and supplementary protocol, signed at Washington February 3, 1944 (59 Stat. 1219), between the United States and Mexico.

(e) **SAVINGS PROVISION.**—Nothing in this section limits the authority of the International Boundary and Water Commission any other provision of law.

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At the appropriate place, insert the following:

SEC. ____ . UNITED STATES-MEXICO BORDER WATERS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of the United States Section of the International Boundary and Water Commission.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means the United States Section of the International Boundary and Water Commission, a State, a local government, an Indian Tribe, or a water or wastewater district with jurisdiction over any area in the United States or Mexico that is located within 100 kilometers of the United States-Mexico border.

(4) **ELIGIBLE PROJECT.**—

(A) **IN GENERAL.**—The term “eligible project” means a project for the construction of infrastructure for drinking water treatment or distribution, wastewater management, or stormwater management, including natural and green infrastructure and infrastructure for water reuse and water recycling, that—

(i) addresses an existing human health or ecological issue;

(ii) has an effect in the United States;

(iii) with respect to wastewater management infrastructure the water discharged from which will flow, directly or indirectly, into the United States, is designed to meet, to the maximum extent practicable, all relevant water quality standards of the country in which the project is located, including, for projects located in the United States, any applicable standards established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) is proposed by an eligible entity with legal authority—

(I) to develop the project;

(II) to provide the proposed drinking water or wastewater services; and

(III) to obtain necessary financing, including operations and maintenance funding;

(v) will comply with relevant State and local environmental and other laws (including regulations), including with respect to—

(I) obtaining any necessary operating permits and licenses; and

(II) complying with any other regulatory requirements related to land acquisition and rights-of-way; and

(vi) has the support of appropriate Mexican Federal and State agencies, including the Comision Nacional de Agua (commonly known as “CONAGUA” or the Mexican National Water Commission) and any appro-

priate State or municipal water utility, if the project is located in Mexico.

(B) **EXCLUSIONS.**—The term “eligible project” does not include a project—

(i) for new water supply;

(ii) that threatens an ecosystem located in the United States, or that is located in both the United States and Mexico, if the project causes a reduction in the flow of water; or

(iii) to provide drinking water, wastewater, or stormwater services to enable new development.

(5) **NEW RIVER.**—The term “New River” means the river that starts in Mexicali, Mexico, flows north into the United States through Calexico, passes through the Imperial Valley, and drains into the Salton Sea.

(6) **PROGRAM.**—The term “program” means the program established under subsection (b)(1).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(8) **TIJUANA RIVER.**—The term “Tijuana River” means the river that rises in the Sierra de Juarez in Mexico, flows through the City of Tijuana and then north into the United States, passes through the Tijuana River estuary, and drains into the Pacific Ocean.

(b) **UNITED STATES-MEXICO BORDER WATER INFRASTRUCTURE PROGRAM.**—

(1) **ESTABLISHMENT.**—The Administrator shall carry out a program to provide assistance to eligible entities for activities related to eligible projects, including feasibility studies, planning studies, environmental assessments, financial analyses, community participation efforts, and architectural, engineering, planning, design, construction, and operations and maintenance activities.

(2) **CONSULTATION.**—In carrying out the program, the Administrator shall consult with the North American Development Bank.

(3) **COORDINATION.**—In carrying out the program, the Administrator shall coordinate with Federal, State, local, and Tribal entities in the border region, including the Department of Homeland Security, the International Boundary and Water Commission, and relevant State agencies.

(4) **PROJECT SELECTION.**—

(A) **IN GENERAL.**—In selecting projects for which to provide assistance under the program, the Administrator shall select projects in accordance with—

(i) subparagraph (B); and

(ii) any other criteria determined appropriate by the Administrator.

(B) **PRIORITIZATION.**—In carrying out subparagraph (A), the Administrator shall prioritize projects that—

(i) are identified in a plan developed by the Administrator for projects to be carried out in the Tijuana River or New River; or

(ii)(I) are likely to have the greatest positive effects relating to the environment and public health;

(II) will result in benefits on the United States side of the United States-Mexico border;

(III) address the most urgent public health and environmental needs, as determined by the heads of the Regional offices for Regions 6 and 9 of the Environmental Protection Agency; and

(IV) maximize sustainable practices, such as water reuse and water recycling, natural and green infrastructure, water efficiency, and conservation.

(5) **TERMS AND CONDITIONS.**—The Administrator may establish such terms and conditions on assistance provided under the program as the Administrator determines appropriate.

(6) **COST SHARE.**—The Administrator may establish a Federal share requirement for any project carried out using any assistance